

119TH CONGRESS
2D SESSION

S. 4739

To implement reforms relating to foreign intelligence surveillance authorities, to prohibit reverse targeting of United States persons and persons located in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2026

Mr. WYDEN introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To implement reforms relating to foreign intelligence surveillance authorities, to prohibit reverse targeting of United States persons and persons located in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON REVERSE TARGETING OF**
4 **UNITED STATES PERSONS AND PERSONS LO-**
5 **CATED IN THE UNITED STATES.**

6 (a) DEFINITION OF COVERED PERSON.—Section
7 701(b) of the Foreign Intelligence Surveillance Act (50

1 U.S.C. 1881) is amended by adding at the end the fol-
 2 lowing new paragraph:

3 “(6) COVERED PERSON.—The term ‘covered
 4 person’ means, with respect to a query, a commu-
 5 nication, an acquisition, or creation of information,
 6 a person who is—

7 “(A) a United States person; or

8 “(B) a person known or believed to be lo-
 9 cated in the United States—

10 “(i) at the time of the applicable
 11 query; or

12 “(ii) at the time of the acquisition,
 13 communication, or creation of the informa-
 14 tion subject to the applicable query.”.

15 (b) PROHIBITION ON REVERSE TARGETING.—Sec-
 16 tion 702 of the Foreign Intelligence Surveillance Act of
 17 1978 (50 U.S.C. 1881a) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (5), by striking “; and”
 20 and inserting a semicolon;

21 (B) by redesignating paragraph (6) as
 22 paragraph (7); and

23 (C) by inserting after paragraph (5) the
 24 following:

1 “(6) may not intentionally target a person rea-
2 sonably believed to be located outside the United
3 States if a significant purpose of such acquisition is
4 to acquire the information of one or more particular,
5 known covered persons, unless—

6 “(A)(i) there is a reasonable belief that an
7 emergency exists involving an imminent threat
8 of death or serious bodily harm to such covered
9 persons;

10 “(ii) the information is sought for the pur-
11 pose of assisting that covered persons; and

12 “(iii) not later than 14 days after the tar-
13 geting, a description of the targeting is pro-
14 vided to the Foreign Intelligence Surveillance
15 Court, the congressional intelligence commit-
16 tees, the Committee on the Judiciary of the
17 House of Representatives, and the Committee
18 on the Judiciary of the Senate; or

19 “(B) the covered persons have provided
20 consent to the targeting, or if such persons are
21 incapable of providing consent, a third party le-
22 gally authorized to consent on behalf of such
23 covered person has provided consent; and”;

24 (2) in subsection (d)(1), by amending subpara-
25 graph (A) to read as follows:

1 “(A) ensure that—

2 “(i) any acquisition authorized under
3 subsection (a) is limited to targeting per-
4 sons reasonably believed to be non-United
5 States persons located outside the United
6 States; and

7 “(ii) except as provided in subsection
8 (b)(6), it is not a significant purpose of an
9 acquisition to acquire the information of
10 one or more particular, known covered per-
11 sons; and”;

12 (3) in subsection (h)(2)(A)(i), by amending sub-
13 clause (I) to read as follows:

14 “(I) ensure that—

15 “(aa) an acquisition author-
16 ized under subsection (a) is lim-
17 ited to targeting persons reason-
18 ably believed to be non-United
19 States persons located outside
20 the United States; and

21 “(bb) except as provided in
22 subsection (b)(6), it is not a sig-
23 nificant purpose of an acquisition
24 to acquire the information of one

1 or more particular, known cov-
2 ered persons; and”; and

3 (4) in subsection (j)(2)(B), by amending clause
4 (i) to read as follows:

5 “(i) ensure that—

6 “(I) an acquisition authorized
7 under subsection (a) is limited to tar-
8 geting persons reasonably believed to
9 be non-United States persons located
10 outside the United States; and

11 “(II) except as provided in sub-
12 section (b)(6), it is not a significant
13 purpose of an acquisition to acquire
14 the information of one or more par-
15 ticular, known covered persons; and”.

16 **SEC. 2. PROHIBITION ON WARRANTLESS ACQUISITION OF**
17 **DOMESTIC COMMUNICATIONS PURSUANT TO**
18 **SECTION 702.**

19 Section 702 of the Foreign Intelligence Surveillance
20 Act of 1978 (50 U.S.C. 1881a) is amended—

21 (1) in subsection (b)(4), by striking “known at
22 the time of the acquisition” and inserting “known or
23 believed at the time of acquisition or communica-
24 tion”;

1 (2) in subsection (d)(1)(B), by striking “known
2 at the time of the acquisition” and inserting “known
3 or believed at the time of acquisition or communica-
4 tion”;

5 (3) in subsection (h)(2)(A)(i)(II), by striking
6 “known at the time of the acquisition” and inserting
7 “known or believed at the time of acquisition or
8 communication”; and

9 (4) in subsection (j)(2)(B)(ii), by striking
10 “known at the time of the acquisition” and inserting
11 “known or believed at the time of acquisition or
12 communication”.

13 **SEC. 3. COURT SUPERVISION OF COLLECTION TARGETING**

14 **UNITED STATES PERSONS AND PERSONS LO-**
15 **CATED INSIDE THE UNITED STATES.**

16 (a) IN GENERAL.—Title VII of the Foreign Intel-
17 ligence Surveillance Act of 1978 (50 U.S.C. 1881 et seq.)
18 is amended—

19 (1) by striking sections 703, 704, and 705 (50
20 U.S.C. 1881b, 1881c, and 1881d); and

21 (2) by inserting after section 702 (50 U.S.C.
22 1881a) the following:

1 **“SEC. 703. ACQUISITIONS TARGETING UNITED STATES PER-**
2 **SONS AND PERSONS LOCATED INSIDE THE**
3 **UNITED STATES.**

4 “(a) WARRANT REQUIREMENT.—No officer or em-
5 ployee of the Federal Government may intentionally target
6 a covered person for the purpose of acquiring foreign intel-
7 ligence information, where such acquisition would be of
8 communications content, location information, web brows-
9 ing history, or internet search history of the covered per-
10 son, or the acquisition would occur under circumstances
11 in which the person has a reasonable expectation of pri-
12 vacy, or a warrant would be required for the acquisition
13 of such information if the officer or employee sought to
14 compel production of the information inside the United
15 States for law enforcement purposes, unless such person
16 is the subject of—

17 “(1) an order or emergency authorization under
18 section 105 or 304 of this Act covering the period
19 of the acquisition and the acquisition is subject to
20 the use, dissemination, querying, retention, and
21 other minimization limitations required by such
22 order or authorization; or

23 “(2) a warrant issued pursuant to the Federal
24 Rules of Criminal Procedure by a court of competent
25 jurisdiction covering the period of the acquisition
26 and the acquisition is subject to the use, dissemina-

1 tion, querying, retention, and other minimization
2 limitations required by such warrant.

3 “(b) PEN REGISTER OR TRAP AND TRACE.—No offi-
4 cer or employee of the Federal Government may inten-
5 tionally target a covered person for the purpose of col-
6 lecting foreign intelligence information through the instal-
7 lation and use of a pen register or trap and trace device,
8 or to acquire information the compelled production of
9 which would require a pen register or trap and trace device
10 order if conducted inside the United States, unless such
11 person is the subject of—

12 “(1) an order or emergency authorization under
13 title IV of this Act covering the period of the acqui-
14 sition and the acquisition is subject to the use, dis-
15 semination, querying, retention, and other minimiza-
16 tion limitations required by such authorization; or

17 “(2) an order has been issued pursuant to sec-
18 tion 3123 of title 18, United States Code, by a court
19 of competent jurisdiction covering the period of the
20 acquisition.

21 “(c) MATTERS RELATING TO EMERGENCY ACQUI-
22 TION.—If an acquisition is conducted pursuant to an
23 emergency authorization described in subsection (a)(1) or
24 (b)(1) and the subsequent application to authorize elec-
25 tronic surveillance, a physical search, an acquisition, or

1 the installation and use of a pen register or trap and trace
2 device pursuant to section 105(e), 304(e), or 403(a) of
3 this Act is denied, or in any other case in which the acqui-
4 sition has been conducted and no order is issued approving
5 the acquisition—

6 “(1) no information obtained or evidence de-
7 rived from such acquisition may be used, received in
8 evidence, or otherwise disseminated in any investiga-
9 tion, trial, hearing, or other proceeding in or before
10 any court, grand jury, department, office, agency,
11 regulatory body, legislative committee, or other au-
12 thority of the United States, a State, or political
13 subdivision thereof; and

14 “(2) no information obtained or evidence de-
15 rived from such acquisition concerning a covered
16 person may subsequently be used or disclosed in any
17 other manner without the consent of such person,
18 except with the approval of the Attorney General, if
19 the information indicates a threat of death or seri-
20 ous bodily harm to any person.

21 “(d) RULE OF CONSTRUCTION.—Subsections (a),
22 (b), and (c) shall apply regardless of the location of the
23 acquisition.”.

1 (b) CONFORMING AMENDMENTS.—The Foreign In-
 2 telligence Surveillance Act of 1978 (50 U.S.C. 1801 et
 3 seq.) is further amended—

4 (1) in section 601(a)(1) (50 U.S.C.
 5 1871(a)(1))—

6 (A) by striking subparagraphs (D) through
 7 (F); and

8 (B) in subparagraph (B), by striking the
 9 semicolon and inserting “; and”;

10 (2) in section 603(b)(1) (50 U.S.C.
 11 1873(b)(1)), in the matter before subparagraph (A),
 12 by striking “and sections 703 and 704”; and

13 (3) in section 706 (50 U.S.C. 1881e), by strik-
 14 ing subsection (b).

15 (c) CLERICAL AMENDMENT.—The table of contents
 16 for such Act is amended—

17 (1) by striking the items relating to sections
 18 703, 704, and 705; and

19 (2) by inserting after the item relating to sec-
 20 tion 702 the following:

“Sec. 703. Acquisitions targeting United States persons and persons located in-
 side the United States.”.

1 **SEC. 4. THREE-MONTH EXTENSION OF SECTION 702 OF THE**
2 **FOREIGN INTELLIGENCE SURVEILLANCE ACT**
3 **OF 1978.**

4 (a) EXTENSION OF REPEAL DATE OF TITLE VII.—
5 Section 403(b) of the FISA Amendments Act of 2008
6 (Public Law 110–261) is amended—

7 (1) in paragraph (1) (50 U.S.C. 1881 note), by
8 striking “June 12, 2026” and inserting “September
9 18, 2026”; and

10 (2) in paragraph (2) (18 U.S.C. 2511 note), in
11 the matter preceding subparagraph (A), by striking
12 “June 12, 2026” and inserting “September 18,
13 2026”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall take effect on the earlier of the date of
16 the enactment of this Act or June 11, 2026.

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