AN ACT

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "USA FREEDOM Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

TITLE I—FISA BUSINESS RECORDS REFORMS

Sec. 101. Additional requirements for call detail records.
Sec. 102. Emergency authority.
Sec. 103. Prohibition on bulk collection of tangible things.
Sec. 104. Judicial review of minimization procedures for the production of tangible things.
Sec. 105. Liability protection.
Sec. 106. Compensation for assistance.
Sec. 107. Definitions.
Sec. 108. Inspector general reports on business records orders.
Sec. 109. Effective date.
Sec. 110. Rule of construction.

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

Sec. 201. Prohibition on bulk collection.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

Sec. 301. Minimization procedures.
Sec. 302. Limits on use of unlawfully obtained information.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

Sec. 401. Appointment of amicus curiae.
Sec. 402. Declassification of decisions, orders, and opinions.

TITLE V—NATIONAL SECURITY LETTER REFORM

Sec. 501. Prohibition on bulk collection.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS
Sec. 601. Additional reporting on orders requiring production of business records.
Sec. 602. Business records compliance reports to Congress.
Sec. 603. Annual reports by the Government on orders entered.
Sec. 604. Public reporting by persons subject to FISA orders.
Sec. 605. Reporting requirements for decisions of the Foreign Intelligence Surveillance Court.
Sec. 606. Submission of reports under FISA.

TITLE VII—SUNSETS

Sec. 701. Sunsets.

SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a statement” and inserting “in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail
records other than in the manner described in subparagraph (C)), a statement”; and

(B) in clause (iii), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively; and

(3) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

“(C) in the case of an application for the production on a daily basis of call detail records created before, on, or after the date of the application relating to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to protect against international terrorism, a statement of facts showing that—

“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

“(ii) there are facts giving rise to a reasonable, articulable suspicion that such specific selection term is associated with a
foreign power or an agent of a foreign
power; and’.

(b) ORDER.—Section 501(c)(2) (50 U.S.C.
1861(c)(2)) is amended—

(1) in subparagraph (D), by striking ‘‘; and’’
and inserting a semicolon;

(2) in subparagraph (E), by striking the period
and inserting ‘‘; and’’; and

(3) by adding at the end the following new sub-
paragraph:

“(F) in the case of an application de-
scribed in subsection (b)(2)(C), shall—

“(i) authorize the production on a
daily basis of call detail records for a pe-
period not to exceed 180 days;

“(ii) provide that an order for such
production may be extended upon applica-
tion under subsection (b) and the judicial
finding under paragraph (1);

“(iii) provide that the Government
may require the prompt production of call
detail records—

“(I) using the specific selection
term that satisfies the standard re-
quired under subsection (b)(2)(C)(ii)
as the basis for production; and

“(II) using call detail records
with a direct connection to such spe-
cific selection term as the basis for
production of a second set of call de-
tail records;

“(iv) provide that, when produced,
such records be in a form that will be use-
ful to the Government;

“(v) direct each person the Govern-
ment directs to produce call detail records
under the order to furnish the Government
forthwith all information, facilities, or
technical assistance necessary to accom-
plish the production in such a manner as
will protect the secrecy of the production
and produce a minimum of interference
with the services that such person is pro-
viding to each subject of the production;
and

“(vi) direct the Government to—

“(I) adopt minimization proce-
dures that require the prompt de-
struction of all call detail records pro-
duced under the order that the Government determines are not foreign intelligence information; and

“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

SEC. 102. EMERGENCY AUTHORITY.

(a) Authority.—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(i) Emergency Authority for Production of Tangible Things.—

“(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—

“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;

“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;
“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and

“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.

“(2) If the Attorney General authorizes the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.
“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived from such production shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such production shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(6) The Attorney General shall assess compliance with the requirements of paragraph (5).”.

(b) CONFORMING AMENDMENT.—Section 501(d) (50 U.S.C. 1861(d)) is amended—

(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by striking “pursuant to an order” and inserting “pursuant to an order issued or an emergency production required”;

(B) in subparagraph (A), by striking “such order” and inserting “such order or such emergency production”; and

(C) in subparagraph (B), by striking “the order” and inserting “the order or the emergency production”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “an order” and inserting “an order or emergency production”; and

(B) in subparagraph (B), by striking “an order” and inserting “an order or emergency production”.

SEC. 103. PROHIBITION ON BULK COLLECTION OF TANGIBLE THINGS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)), as amended by section 101(a) of this Act, is further amended by inserting before subparagraph (B), as redesignated by such section 101(a) of this Act, the following new subparagraph:
“(A) a specific selection term to be used as the basis for the production of the tangible things sought;.”.

(b) ORDER.—Section 501(c) (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2)(A), by striking the semi-
colon and inserting “, including each specific selec-
tion term to be used as the basis for the produc-
tion;”;

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

“(3) No order issued under this subsection may au-
thorize the collection of tangible things without the use of a specific selection term that meets the requirements of subsection (b)(2).”.

SEC. 104. JUDICIAL REVIEW OF MINIMIZATION PROCES-
DURES FOR THE PRODUCTION OF TANGIBLE THINGS.

Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended by inserting after “subsections (a) and (b)” the following: “and that the minimization procedures submitted in ac-
cordance with subsection (b)(2)(D) meet the definition of minimization procedures under subsection (g)”.

SEC. 105. LIABILITY PROTECTION.

Section 501(e) (50 U.S.C. 1861(e)) is amended to read as follows:

“(e)(1) No cause of action shall lie in any court against a person who—

“(A) produces tangible things or provides information, facilities, or technical assistance pursuant to an order issued or an emergency production required under this section; or

“(B) otherwise provides technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act.

“(2) A production or provision of information, facilities, or technical assistance described in paragraph (1) shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.”.

SEC. 106. COMPENSATION FOR ASSISTANCE.

Section 501 (50 U.S.C. 1861), as amended by section 102 of this Act, is further amended by adding at the end the following new subsection:

“(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for—

“(1) producing tangible things or providing information, facilities, or assistance in accordance with an order issued with respect to an application de-
scribed in subsection (b)(2)(C) or an emergency production under subsection (i) that, to comply with subsection (i)(1)(D), requires an application described in subsection (b)(2)(C); or

“(2) otherwise providing technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act.”.

SEC. 107. DEFINITIONS.

Section 501 (50 U.S.C. 1861), as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

“(k) DEFINITIONS.—In this section:

“(1) CALL DETAIL RECORD.—The term ‘call detail record’—

“(A) means session identifying information (including originating or terminating telephone number, International Mobile Subscriber Identity number, or International Mobile Station Equipment Identity number), a telephone calling card number, or the time or duration of a call; and

“(B) does not include—
“(i) the contents of any communication (as defined in section 2510(8) of title 18, United States Code);
“(ii) the name, address, or financial information of a subscriber or customer; or
“(iii) cell site location information.
“(2) S pecific selection term.—The term ‘specific selection term’ means a discrete term, such as a term specifically identifying a person, entity, account, address, or device, used by the Government to limit the scope of the information or tangible things sought pursuant to the statute authorizing the provision of such information or tangible things to the Government.”.

SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—
(1) in subsection (b)—
(A) in paragraph (1), by inserting “and calendar years 2012 through 2014” after “2006”;
(B) by striking paragraphs (2) and (3);
(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

“(C) with respect to calendar years 2012 through 2014, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;”; and

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”; 

(2) in subsection (c), by adding at the end the following new paragraph:

“(3) CALENDAR YEARS 2012 THROUGH 2014.—Not later than December 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the
Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 through 2014.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2012, and ending on December 31, 2014, the Inspector General of the Intelligence Community shall assess—

“(A) the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

“(B) the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

“(C) the minimization procedures used by elements of the intelligence community under such title and whether the minimization proce-
dures adequately protect the constitutional rights of United States persons; and

“(D) any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

“(2) Submission date for assessment.—Not later than 180 days after the date on which the Inspector General of the Department of Justice submits the report required under subsection (c)(3), the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 through 2014.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;}
(ii) by striking “Inspector General of
the Department of Justice” and inserting
“Inspector General of the Department of
Justice, the Inspector General of the Intel-
ligence Community, and any Inspector
General of an element of the intelligence
community that prepares a report to assist
the Inspector General of the Department
of Justice or the Inspector General of the
Intelligence Community in complying with
the requirements of this section”; and

(B) in paragraph (2), by striking “the re-
ports submitted under subsections (c)(1) and
(c)(2)” and inserting “any report submitted
under subsection (c) or (d)”;

(6) in subsection (f), as redesignated by para-
graph (3)—

(A) by striking “The reports submitted
under subsections (c)(1) and (c)(2)” and insert-
ing “Each report submitted under subsection
(c)”; and

(B) by striking “subsection (d)(2)” and in-
serting “subsection (e)(2)”; and

(7) by adding at the end the following new sub-
section:
“(g) DEFINITIONS.—In this section:

“(1) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(2) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”.

SEC. 109. EFFECTIVE DATE.

(a) In General.—The amendments made by sections 101 through 103 shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) Rule of Construction.—Nothing in this Act shall be construed to alter or eliminate the authority of the Government to obtain an order under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) as in effect prior to the effective date described in subsection (a) during the period ending on such effective date.

SEC. 110. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the production of the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication from an electronic communica-
tion service provider (as such term is defined in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)) under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

SEC. 201. PROHIBITION ON BULK COLLECTION.

(a) Prohibition.—Section 402(c) (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

“(3) a specific selection term to be used as the basis for selecting the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied; and”.

(b) Definition.—Section 401 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:
“(4) The term ‘specific selection term’ has the meaning given the term in section 501.”.

SEC. 202. PRIVACY PROCEDURES.

(a) In General.—Section 402 (50 U.S.C. 1842) is amended by adding at the end the following new subsection:

“(h) The Attorney General shall ensure that appropriate policies and procedures are in place to safeguard nonpublicly available information concerning United States persons that is collected through the use of a pen register or trap and trace device installed under this section. Such policies and procedures shall, to the maximum extent practicable and consistent with the need to protect national security, include protections for the collection, retention, and use of information concerning United States persons.”.

(b) Emergency Authority.—Section 403 (50 U.S.C. 1843) is amended by adding at the end the following new subsection:

“(d) Information collected through the use of a pen register or trap and device installed under this section shall be subject to the policies and procedures required under section 402(h).”.
SEC. 301. MINIMIZATION PROCEDURES.

Section 702(e)(1) (50 U.S.C. 1881a(e)(1)) is amended—

(1) by striking “that meet” and inserting the following: “that—

“(A) meet”;

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by striking the period and inserting “; and”; and

(3) by adding at the end the following new sub-

paragraph:

“(B) consistent with such definition—

“(i) minimize the acquisition, and pro-
hibit the retention and dissemination, of
any communication as to which the sender
and all intended recipients are determined
to be located in the United States at the
time of acquisition, consistent with the
need of the United States to obtain,
produce, and disseminate foreign intel-
ligence information; and
“(ii) prohibit the use of any discrete communication that is not to, from, or about the target of an acquisition and is to or from an identifiable United States person or a person reasonably believed to be located in the United States, except to protect against an immediate threat to human life.”.

SEC. 302. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

“(D) LIMITATION ON USE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), to the extent the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding
in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court shall establish for purposes of this clause.”.
TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

SEC. 401. APPOINTMENT OF AMICUS CURIAE.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

“(i) AMICUS CURIAE.—

“(1) Authorization.—A court established under subsection (a) or (b), consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time—

“(A) shall appoint an individual to serve as amicus curiae to assist such court in the consideration of any application for an order or review that, in the opinion of the court, presents a novel or significant interpretation of the law, unless the court issues a written finding that such appointment is not appropriate; and

“(B) may appoint an individual to serve as amicus curiae in any other instance as such court deems appropriate.

“(2) Designation.—The presiding judges of the courts established under subsections (a) and (b) shall jointly designate not less than 5 individuals to...
be eligible to serve as amicus curiae. Such individuals shall be persons who possess expertise in privacy and civil liberties, intelligence collection, telecommunications, or any other area that may lend legal or technical expertise to the courts and who have been determined by appropriate executive branch officials to be eligible for access to classified information.

“(3) DUTIES.—An individual appointed to serve as amicus curiae under paragraph (1) shall carry out the duties assigned by the appointing court. Such court may authorize the individual appointed to serve as amicus curiae to review any application, certification, petition, motion, or other submission that the court determines is relevant to the duties assigned by the court.

“(4) NOTIFICATION.—The presiding judges of the courts established under subsections (a) and (b) shall notify the Attorney General of each exercise of the authority to appoint an individual to serve as amicus curiae under paragraph (1).

“(5) ASSISTANCE.—A court established under subsection (a) or (b) may request and receive (including on a non-reimbursable basis) the assistance
of the executive branch in the implementation of this subsection.

“(6) Administration.—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, or other support for an individual appointed to serve as amicus curiae under paragraph (1) in a manner that is not inconsistent with this subsection.”.

SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND OPINIONS.

(a) Declassification.—Title VI (50 U.S.C. 1871 et seq.) is amended—

(1) in the heading, by striking “REPORTING REQUIREMENT” and inserting “OVERSIGHT”; and

(2) by adding at the end the following new section:

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

“(a) Declassification Required.—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as
defined in section 601(e)) that includes a significant construc-
tion or interpretation of any provision of this Act, includ-
ing a construction or interpretation of the term ‘spec-
cific selection term’, and, consistent with that review,
make publicly available to the greatest extent practicable
each such decision, order, or opinion.

“(b) REDACTED FORM.—The Director of National
Intelligence, in consultation with the Attorney General,
may satisfy the requirement under subsection (a) to make
a decision, order, or opinion described in such subsection
publicly available to the greatest extent practicable by
making such decision, order, or opinion publicly available
in redacted form.

“(c) NATIONAL SECURITY WAIVER.—The Director of
National Intelligence, in consultation with the Attorney
General, may waive the requirement to declassify and
make publicly available a particular decision, order, or
opinion under subsection (a) if—

“(1) the Director of National Intelligence, in
consultation with the Attorney General, determines
that a waiver of such requirement is necessary to
protect the national security of the United States or
properly classified intelligence sources or methods;
and
“(2) the Director of National Intelligence makes publicly available an unclassified statement prepared by the Attorney General, in consultation with the Director of National Intelligence—

“(A) summarizing the significant construction or interpretation of a provision under this Act; and

“(B) that specifies that the statement has been prepared by the Attorney General and constitutes no part of the opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.”.

(b) Table of Contents Amendments.—The table of contents in the first section is amended—

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

“TITLE VI—OVERSIGHT”;

and

(2) by inserting after the item relating to section 601 the following new item:

“Sec. 602. Declassification of significant decisions, orders, and opinions.”.
TITLE V—NATIONAL SECURITY
LETTER REFORM

SEC. 501. PROHIBITION ON BULK COLLECTION.

(a) Counterintelligence Access to Telephone Toll and Transactional Records.—Section 2709(b) of title 18, United States Code, is amended in the matter preceding paragraph (1) by striking “may” and inserting “may, using a specific selection term as the basis for a request”.

(b) Access to Financial Records for Certain Intelligence and Protective Purposes.—Section 1114(a)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(2)) is amended by striking the period and inserting “and a specific selection term to be used as the basis for the production and disclosure of financial records.”.

(c) Disclosures to FBI of Certain Consumer Records for Counterintelligence Purposes.—Section 626(a) of the Fair Credit Reporting Act (15 U.S.C. 1681u(a)) is amended by striking “that information,” and inserting “that information that includes a specific selection term to be used as the basis for the production of that information,”.

(d) Disclosures to Governmental Agencies for Counterterrorism Purposes of Consumer Records.
PORTS.—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by striking “analysis.” and inserting “analysis and a specific selection term to be used as the basis for the production of such information.”.

(e) DEFINITIONS.—

(1) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(g) Specific Selection Term Defined.—In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

(2) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended by adding at the end the following new subsection:

“(e) In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”).
(3) Disclosures to FBI of certain consumer records for counterintelligence purposes.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by adding at the end the following new subsection:

“(n) Specific Selection Term Defined.—In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

(4) Disclosures to governmental agencies for counterterrorism purposes of consumer reports.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by adding at the end the following new subsection:

“(g) Specific Selection Term Defined.—In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING PRODUCTION OF BUSINESS RECORDS.

Section 502(b) (50 U.S.C. 1862(b)) is amended—
(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (5), (6), and (7), respectively; and (2) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

“(1) the total number of applications described in section 501(b)(2)(B) made for orders approving requests for the production of tangible things;

“(2) the total number of such orders either granted, modified, or denied;

“(3) the total number of applications described in section 501(b)(2)(C) made for orders approving requests for the production of call detail records;

“(4) the total number of such orders either granted, modified, or denied;”.

SEC. 602. BUSINESS RECORDS COMPLIANCE REPORTS TO CONGRESS.

Section 502(b) (50 U.S.C. 1862(b)), as amended by section 601 of this Act, is further amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively; and (2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) a summary of all compliance reviews conducted by the Federal Government of the production of tangible things under section 501;”.
SEC. 603. ANNUAL REPORTS BY THE GOVERNMENT ON ORDERS ENTERED.

(a) In General.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 402 of this Act, is further amended by adding at the end the following new section:

"SEC. 603. ANNUAL REPORT ON ORDERS ENTERED.

“(a) Report by Director of the Administrative Office of the United States Courts.—The Director of the Administrative Office of the United States Courts shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and, subject to a declassification review by the Attorney General and Director of National Intelligence, make publicly available on an Internet website—

“(1) the number of orders entered under each of sections 105, 304, 402, 501, 702, 703, and 704;

“(2) the number of orders modified under each of those sections;

“(3) the number of orders denied under each of those sections; and

“(4) the number of appointments of an individual to serve as amicus curiae under section 103, including the name of each individual appointed to serve as amicus curiae."
“(b) Report by Director of National Intelligence.—The Director of National Intelligence shall annually make publicly available a report that identifies, for the preceding 12-month period—

“(1) the total number of orders issued pursuant to titles I and III and sections 703 and 704 and the estimated number of targets affected by such orders;

“(2) the total number of orders issued pursuant to section 702 and the estimated number of targets affected by such orders;

“(3) the total number of orders issued pursuant to title IV and the estimated number of targets affected by such orders;

“(4) the total number of orders issued pursuant to applications made under section 501(b)(2)(B) and the estimated number of targets affected by such orders;

“(5) the total number of orders issued pursuant to applications made under section 501(b)(2)(C) and the estimated number of targets affected by such orders; and

“(6) the total number of national Security letters issued and the number of requests for information contained within such national security letters.
“(c) National Security Letter Defined.—The term ‘national security letter’ means any of the following provisions:

“(1) Section 2709 of title 18, United States Code.


“(3) Subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)).

“(4) Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)).”.

(b) Table of Contents Amendment.—The table of contents in the first section, as amended by section 402 of this Act, is further amended by inserting after the item relating to section 602, as added by such section 402, the following new item:

“Sec. 603. Annual report on orders entered.”.

SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO FISA ORDERS.

(a) In General.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 603 of this Act, is further amended by adding at the end the following new section:
SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO ORDERS.

(a) REPORTING.—A person may semiannually publicly report the following information with respect to the preceding half year using one of the following structures:

“(1) Subject to subsection (b), a report that aggregates the number of orders or national security letters the person was required to comply with in the following separate categories:

“(A) The number of national security letters received, reported in bands of 1000 starting with 0-999.

“(B) The number of customer accounts affected by national security letters, reported in bands of 1000 starting with 0-999.

“(C) The number of orders under this Act for content, reported in bands of 1000 starting with 0-999.

“(D) With respect to content orders under this Act, in bands of 1000 starting with 0-999, the number of customer accounts affected under orders under title I;

“(E) The number of orders under this Act for non-content, reported in bands of 1000 starting with 0-999.
“(F) With respect to non-content orders under this Act, in bands of 1000 starting with 0-999, the number of customer accounts affected under orders under—

“(i) title IV;

“(ii) title V with respect to applications described in section 501(b)(2)(B);

and

“(iii) title V with respect to applications described in section 501(b)(2)(C).

“(2) A report that aggregates the number of orders, directives, or national security letters the person was required to comply with in the following separate categories:

“(A) The total number of all national security process received, including all national security letters and orders or directives under this Act, reported as a single number in a band of 0-249 and thereafter in bands of 250.

“(B) The total number of customer selectors targeted under all national security process received, including all national security letters and orders or directives under this Act, reported as a single number in a band of 0-249 and thereafter in bands of 250.
“(3) Subject to subsection (b), a report that aggregates the number of orders or national security letters the person was required to comply with in the following separate categories:

“(A) The number of national security letters received, reported in bands of 500 starting with 0-499.

“(B) The number of customer accounts affected by national security letters, reported in bands of 500 starting with 0-499.

“(C) The number of orders under this Act for content, reported in bands of 500 starting with 0-499.

“(D) The number of customer selectors targeted under such orders, in bands of 500 starting with 0-499.

“(E) The number of orders under this Act for non-content, reported in bands of 500 starting with 0-499.

“(F) The number of customer selectors targeted under such orders, reported in bands of 500 starting with 0-499.

“(b) Period of Time Covered by Reports.—

With respect to a report described in paragraph (1) or
(3) of subsection (a), such report shall only include information—

“(1) except as provided in paragraph (2), for the period of time ending on the date that is at least 180 days before the date of the publication of such report; and

“(2) with respect to an order under this Act or national security letter received with respect to a platform, product, or service for which a person did not previously receive such an order or national security letter (not including an enhancement to or iteration of an existing publicly available platform, product, or service), for the period of time ending on the date that is at least 2 years before the date of the publication of such report.

“(c) Other Forms of Agreed to Publication.—Nothing in this section shall be construed to prohibit the Government and any person from jointly agreeing to the publication of information referred to in this subsection in a time, form, or manner other than as described in this section.

“(d) National Security Letter Defined.—The term ‘national security letter’ has the meaning given the term in section 603.”.
(b) Table of Contents Amendment.—The table of contents in the first section, as amended by section 603 of this Act, is further amended by inserting after the item relating to section 603, as added by section 603 of this Act, the following new item:

"Sec. 604. Public reporting by persons subject to orders."

SEC. 605. REPORTING REQUIREMENTS FOR DECISIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

Section 601(c)(1) (50 U.S.C. 1871(c)) is amended to read as follows:

“(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this Act, that includes a significant construction or interpretation of any provision of this Act or results in a change of application of any provision of this Act or a new application of any provision of this Act or a new application of any provision of this Act, a copy of such decision, order, or opinion and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion; and”.

SEC. 606. SUBMISSION OF REPORTS UNDER FISA.

(a) Electronic Surveillance.—Section 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by striking “the
House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate,” and inserting “the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

(b) PHYSICAL SEARCHES.—Section 306 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,” and inserting “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”; and

(2) in the second sentence, by striking “and the Committee on the Judiciary of the House of Representatives”.

(c) PEN REGISTER AND TRAP AND TRACE DEVICES.—Section 406(b) (50 U.S.C. 1846(b)) is amended—
(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) each department or agency on behalf of which the Government has made application for orders approving the use of pen registers or trap and trace devices under this title; and

“(5) for each department or agency described in paragraph (4), a breakdown of the numbers required by paragraphs (1), (2), and (3).”.

(d) Access to Certain Business Records and Other Tangible Things.—Section 502(a) (50 U.S.C. 1862(a)) is amended by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate” and inserting “Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate”.

•HR 3361 RFS
TITLE VII—SUNSETS

SEC. 701. SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking “June 1, 2015” and inserting “December 31, 2017”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking “June 1, 2015” and inserting “December 31, 2017”.

Passed the House of Representatives May 22, 2014.

Attest: KAREN L. HAAS, Clerk.