

## **The LIBERT-E Act**

### **Limiting Internet and Blanket Electronic Review of Telecommunications and Email Act**

*Section 1. Short Title.* Provides the title of the bill to be the “Limiting Internet and Blanket Electronic Review of Telecommunications and Email Act” or LIBERT-E Act”.

*Section 2. Reforms to Access to Certain Business Records for Foreign Intelligence and International Terrorism Investigations.* This section changes Section 215 of the USA PATRIOT Act in order to prevent the mass collection of business records that are not material to an authorized foreign intelligence investigation, an international terrorism investigation, or clandestine intelligence activities.

- Currently, in order to obtain a Section 215 court order, the government needs to show that the records only are “relevant” to such an investigation. Recent reports suggest that the government’s view of the “relevance” standard includes records of *every* telephone call on a given network.
- This section would require that the government show that the relevance of these records to the investigation is based on “specific and articulable” facts, that the records are material to the investigation, and that the records “pertain only to individuals under such investigation.”
- The section removes a list of “presumptively relevant” records. The government should be required to show that the records it seeks are, in fact, material to a particular investigation.
- The section also guarantees the recipient of a Section 215 order the right to challenge an accompanying gag order, and it ensures notice and due process for any such challenger.

*Section 3. Additional Disclosures to Congress and the Public.* This section provides for greater accountability and transparency in the implementation of the USA PATRIOT Act and the Foreign Intelligence Surveillance Act.

- This section amends existing reporting requirements contained in Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. § 1871) by requiring the Attorney General to make available to all Members of Congress the information currently provided to the House and Senate intelligence and judiciary committees.
- It also requires that the Attorney General make unclassified summaries of each “significant” decision, order, or opinion of the FISA court available to the public within 180 days of their submission to Congress.

*Section 4. Report on Impact of Provisions on Privacy of United States Persons.* This section requires the Inspectors General of the Department of Justice and the Intelligence Community to report on the impact that acquisition of foreign intelligence has had on the privacy of persons located in the United States.

*Section 5. Form of Assessments of Procedures Targeting Certain Persons Located Outside of the United States.* This section requires that each assessment or review required under Title VII of FISA be submitted in unclassified form, with a classified index if necessary.